

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

November 19, 2009

Charles R. Fulbruge III  
Clerk

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No. 09-60181  
Summary Calendar

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JUAN MANUEL DEAVILA,

Petitioner

v.

ERIC H. HOLDER, JR, U. S. ATTORNEY GENERAL,

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA No. A91 382 030

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Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Juan Manuel DeAvila, a native and citizen of Mexico, petitions for review of an order of the Board of Immigration Appeals (BIA). It found him to be ineligible for cancellation of removal because his 2004 and 2006 Texas convictions for possession of methamphetamine constituted an aggravated felony for the purposes of immigration law. DeAvila contends that the BIA erred by treating his conviction as equivalent to the federal offense of “recidivist possession.” *See* 21 U.S.C. § 844(a).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

We conclude that the BIA correctly determined that DeAvila's offenses together constituted an aggravated felony for immigration law purposes. *See Carachuri-Rosendo v. Holder*, 570 F.3d 263, 266-68 (5th Cir. 2009), *petition for cert. filed* (July 15, 2009) (No. 09-60).

PETITION DENIED.